

Agenda

Environmental Protection Commission

Tuesday, July 15, 2014
DNR Air Quality Suite 1
7900 Hickman Road
Windsor Heights, Iowa

Monday, July 14, 2014 – Educational Tour – Princeton Community Center 428 River Dr, Princeton

Tour of Lost Grove Lake

12-1 PM – Lunch at Princeton Community Center

1-3:30 PM – Shuttle departs from Princeton Community Center for driving tour

Tuesday, July 15, 2014 – EPC Business Meeting – 7900 Hickman Road, Windsor Heights

10:00 AM – EPC Business Meeting begins

10:30 AM – Public Participation¹ – Requests to speak must be submitted to Jerah Sheets at Jerah.Sheets@dnr.iowa.gov or 515-313-8909 prior to the meeting or at the meeting prior to the start of Public Participation

11:00 AM – Executive Order 80 (EO 80) Stakeholder Group Recommendation on Topsoil Preservation Requirements in Storm Water Construction General Permit No. 2

Agenda topics

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|---|---|---------------------------------|
| 1 | Approval of Agenda | |
| 2 | Approval of Minutes | |
| 3 | Director's Remarks | |
| 4 | Contract with Iowa State University for Risk-based Corrective Action (RBCA) Modeling Software Upgrade | Elaine Douskey
(Decision) |
| 5 | Final Rules – Chapters 22 and 23–Best Management Practices for Grain Elevators and Adoption of Federal Air Toxics Standards | Christine Paulson
(Decision) |
| 6 | Executive Order 80 (EO 80) Stakeholder Group Recommendation on Topsoil Preservation Requirements in Storm Water Construction General Permit no. 2 | Creighton Cox
(Information) |
| 7 | Monthly Reports | Bill Ehm
(Information) |
| 8 | General Discussion | |
| 9 | Items for Next Month's Meeting | |
| | • August 19, 2014 – EPC Business Meeting, Windsor Heights | |
| | • September 15, 2014 – EPC Education Tour, Sioux County | |
| | • September 16, 2014 – EPC Business Meeting, Sioux County | |

For details on the EPC meeting schedule, visit

<http://www.iowadnr.gov/InsideDNR/BoardsCommissions.aspx>.

¹ Comments during the public participation period regarding proposed rules or notices of intended action are not included in the official comments for that rule package unless they are submitted as required in the Notice of Intended Action.

**Environmental Protection Commission
Iowa Department of Natural Resources**

ITEM

4

DECISION

TOPIC

Contract with Iowa State University for Risk-based Corrective Action (RBCA) Modeling Software Upgrade

Recommendations:

Commission approval is requested for a service contract of approximately two and a half years with Iowa State University (ISU), Ames, Iowa. The contract will begin on August 25, 2014 and terminate on December 31, 2016. The total amount of this contract shall not exceed \$180,000.

Funding Source:

This contract will be funded through an appropriation to the Department from the Iowa Comprehensive Petroleum Underground Storage Tank Fund (Fund) specific to this purpose. Formal approval by the Fund Board of the use of this funding has not yet occurred, and the work to be performed through this Contract is subject to the availability of that funding. Approval for funding is concurrently being sought at the Fund Board's July 15th Strategic Planning Meeting.

Background:

The risk-based corrective action (RBCA) evaluation requirements for Leaking Underground Storage Tank (LUST) sites are regulated by the DNR under Iowa Code 455B.474, and as an authority delegated by the USEPA. IAC Chapter 135 further defines requirements including use of DNR-developed modeling software. The RBCA software is primarily used by DNR staff and Iowa Certified Groundwater Professionals to evaluate public health, safety, and environmental risks associated with over 6,000 LUST sites across Iowa. Nearly 1,000 sites remain open and under investigation, with an average of 50 new LUST sites identified each year. The RBCA software is used for ongoing evaluations of open LUST sites and for the risk assessment of newly reported LUST sites. The software is not only used to predict whether a petroleum release will cause a public or environmental risk, it is also used to calculate site specific target levels or cleanup levels; therefore it is highly relied upon to establish cleanup or remediation goals for individual LUST sites.

The RBCA software was originally developed in 1996 using Visual Basic (VB4) computer language, and subsequently upgraded with the most current version in VB6. The software suite consists of four separate packages (Tier 1 v1.1, Tier 2 v 2.51, Tier 2 v 3.0, and Tier 2 Bedrock v1.1). These are standalone Windows desktop contaminant transport modeling programs (i.e., they are not connected to external databases or files). These programs can be operated under Windows XP or older operating systems; however, because XP is no longer supported, a new version of the code that is compatible with newer operating systems (Windows 7 and newer) is required. Therefore, the primary objective is to convert the existing RBCA suite of software developed in VB4 / VB6 into C#.NET language.

Purpose:

The parties propose to enter into this Contract for the purpose of retaining the Contractor to: (1) update the existing Risk-Based Corrective Action (RBCA) modeling software to be compatible with newer operating systems; (2) assist with modification and documentation of business logic; (3) update the software suite to incorporate changes in regulatory standards (specifically numerical standards for water line risk evaluations); (4) provide full technical documentation of the code; (5) ensure historic files are compatible (can be opened) in all revised versions of RBCA software; and (6) correct the deficiencies identified during testing and from DNR's security scan, in accordance with Departmental IT operating procedures and standards.

Contractor Selection Process:

Iowa Code 455B.103(3) provides that the Department shall contract, with the approval of the commission, with public agencies of the state to provide environmental quality evaluation services necessary to implement rules for which the Department has administrative oversight (i.e., Chapter 135). ISU (and principle programmer Dr. LaDon Jones) was chosen because of the prior experience with and authorship of the RBCA modeling software, and their commensurate ability to economically and efficiently complete these services.

Elaine Douskey
Underground Storage Tank Section Supervisor
Land Quality Bureau, Environmental Services Division

**Iowa Department of Natural Resources
Environmental Protection Commission**

ITEM

5

DECISION

**TOPIC Final Rules – Chapters 22 and 23–Best Management Practices for Grain
Elevators and Adoption of Federal Air Toxics Standards**

The Department is requesting permission from the Commission to adopt amendments to Chapter 22 "Controlling Pollution," and Chapter 23 "Emission Standards for Contaminants."

Reason for Rulemaking

The first purpose of the rule changes is to establish best management practices (BMPs) for grain vacuuming at small grain elevators. The BMPs include practical activities that may be used at elevators to minimize dust and possible air quality impacts resulting from vacuuming grain out of storage structures. The BMPs were developed through a stakeholder workgroup jointly organized by the Department of Natural Resources (Department) and Agribusiness Association of Iowa (AAI), and included grain elevator operators and grain vacuum (grain vac) vendors.

The second purpose of the rule changes is to adopt by reference federal air toxics standards for chemical manufacturing plants and for prepared feeds manufacturing (also known as National Emission Standards for Hazardous Air Pollutants or NESHAP). The Commission had originally adopted these standards by reference in 2010. However, Executive Order 72 rescinded adoption of these standards along with rescission of the RICE NESHAP. Subsequent to Executive Order 72, the U.S. Environmental Protection Agency (EPA) revised these NESHAP standards. The revised NESHAP generally provide regulatory relief and clarity from the previous requirements. The Department is now requesting permission to adopt these NESHAP. Upon adoption of the NESHAP, the Department rather than EPA will be the primary implementation authority for these regulations in Iowa, allowing the Department to provide compliance assistance and outreach to affected facilities.

Summary of Rule Changes

Grain Vac BMPs

Prior to 2008, most grain facilities used sweep augers to extract the remaining grain from the bottom of storage bins. Beginning in late 2009, the U.S. Occupational Safety and Health Administration (OSHA) sent letters to grain elevators stating that operators could not be inside a grain bin while an unguarded sweep auger operated inside the bin. The OSHA letters resulted in more facilities using grain vacuuming to remove the remaining grain from storage bins.

With the wider use of grain vac operations, the Department's field offices started receiving dust complaints from residences and businesses located near grain elevators using grain vacs. The Department subsequently partnered with AAI to convene a stakeholder workgroup to develop

solutions that address complaints and ensure compliance with air quality regulations. The proposed BMPs are the result of this collaborative effort. The new BMPs will be added to the existing BMPs adopted by reference in 567 IAC Chapter 22

Adoption of Air Toxics (NESHAP) standards for Chemical Manufacturing and Prepared Feeds Manufacturing

In October 2009, EPA finalized the NESHAP for Chemical Manufacturing at Area Sources (Subpart VVVVVV, hereafter referred to as the “6V NESHAP”). The final 6V NESHAP appeared to include ethanol production facilities, but the standards were unclear on several points. In January 2012, EPA agreed to reconsider portions of the 6V NESHAP. On December 21, 2012, EPA issued final amendments to the 6V NESHAP, and extended the compliance date until March 2013. With the assistance of Iowa Renewable Fuels Association (IRFA), the Department determined that current dry-mill corn ethanol production facilities in Iowa are not subject to the 6V NESHAP. At this time, the Department has identified a small number of other chemical manufacturing facilities subject to the 6V NESHAP.

In January 2010, EPA finalized the NESHAP for Prepared Feeds Manufacturing at Area Sources (Subpart DDDDDDD, hereafter referred to as the “7D NESHAP”). The final 7D NESHAP appeared to cover all feed mills that used chromium and manganese in production, but several provisions of the final standards were unclear. In 2011, EPA agreed to reconsider some provisions of the 7D NESHAP. EPA finalized its reconsideration on December 23, 2011, revising its standards so that larger feed mills with pellet cooler operations did not need to install new emissions control if the facility had existing control equipment. The 7D NESHAP compliance date for existing feed mills was January 5, 2012.

Public Comments

The Department received formal comments from AAI in support of the rule changes. The Department also received minor comments from EPA Region 7 prior to publishing the Notice of Intended Action. The attached Public Participation Responsiveness Summary provides a summary of the public comments and the Department’s response. The Department did not make any changes to the final rules from what was published in the Notice of Intended Action.

If the Commission approves the final rules, the Adopted and Filed rules will be published on August 6, 2014, and will become effective on September 10, 2014.

The Adopted and Filed rules, Jobs Impact Statement, Fiscal Impact Statement, and Public Participation Responsiveness Summary are attached.

Christine Paulson
Environmental Specialist Senior
Program Development Section, Air Quality Bureau
Memo date: June 23, 2014

ENVIRONMENTAL PROTECTION COMMISSION[567]

Adopted and Filed

Pursuant to the authority of Iowa Code section 455B.133, the Environmental Protection Commission (Commission) hereby amends Chapter 22, “Controlling Pollution,” and Chapter 23, “Emission Standards for Contaminants,” Iowa Administrative Code.

First, the Commission in this rule making establishes in Chapter 22 best management practices (BMPs) for grain vacuuming operations at small grain elevators. The BMPs include practical activities that owners and operators may use at grain elevators to minimize dust and possible air quality impacts resulting from vacuuming grain out of storage structures. The BMPs were developed through a stakeholder workgroup that was jointly organized by the Department of Natural Resources (Department) and Agribusiness Association of Iowa (AAI) and that included grain elevator operators and grain vacuum (grain vac) vendors.

Second, the Commission adopts changes to Chapter 23 to adopt by reference federal air toxics standards for chemical manufacturing plants and for prepared feeds manufacturing (also known as National Emission Standards for Hazardous Air Pollutants, or NESHAP).

The Commission had originally adopted these standards by reference in 2010. However, Executive Order (EO) 72 rescinded the adoption of these standards concurrent with the rescission of the RICE NESHAP. EO 72 stated that the RICE NESHAP was too costly for small utilities that maintain and operate rarely used emergency engines, and the RICE NESHAP requirements could increase electricity rates for consumers. In response to the concerns from Governor Branstad as expressed in EO 72 and concerns from other stakeholders, the U.S. Environmental Protection Agency (EPA) agreed to reconsider the RICE NESHAP. Consequently, EPA updated the RICE NESHAP to provide more circumstances for emergency

engines and for engines that participate in electricity management programs to operate under nonemergency conditions. The Commission adopted the updated RICE NESHAP in a previous rule making (see **ARC 1014C**, IAB 9/16/13).

Subsequent to EO 72, EPA updated the NESHAPs adopted in this rule making. The revised NESHAPs generally provide regulatory relief and clarify the previous requirements. The Commission is now adopting these NESHAPs. Upon adoption of the NESHAPs, the Department rather than EPA will be the primary implementation authority for these regulations in Iowa, allowing the Department to provide compliance assistance and outreach to affected facilities as soon as possible.

Notice of Intended Action was published in the Iowa Administrative Bulletin on May 14, 2014, as **ARC 1458C**, and a public hearing was held on June 16, 2014, in Windsor Heights, Iowa. The Department received no comments at the public hearing. The Department received two written comments prior to the June 16, 2014, deadline for public comments. One written comment supported the amendments. The other comment, from EPA Region 7, recommended providing clarification in the preamble to the adopted rules. The Commission provides clarification in the preamble, in response to EPA's comments, as noted in the explanation for Item 3 and Item 4 below. The Commission did not make any changes to the adopted amendments from what was published in the Notice of Intended Action. The Department's Public Participation Responsiveness Summary is available from the Department upon request.

Item 1 amends subparagraph 22.10(3)“a”(2) to revise the BMPs for grain elevators currently adopted by reference. The BMPs for grain elevators are designed to reduce emissions of particulate matter that is less than 10 microns in diameter (PM₁₀), especially dust that crosses the property line and that may adversely affect air quality at nearby businesses or residences. The

BMP document includes both facilitywide and equipment-specific practices that apply to both new and existing equipment. The amendment will add to the current BMP document a list of management practices for grain vacuuming operations at grain storage bins. The management practices were developed and recommended by a stakeholder workgroup jointly coordinated by the Department and AAI. The changes to the BMP document are available from the Department, upon request, and at the Department's Web site at <http://www.iowadnr.gov/InsideDNR/RegulatoryAir/StakeholderInvolvement.aspx> (under the Public Input section).

Background

In 2007, the Department worked with AAI and other stakeholders to develop flexible groupings for grain elevators. This collaboration resulted in rules that allowed over 800 owners and operators of small grain elevators (classified as "Group 1" elevators) to complete a one-page registration form rather than apply for an air construction permit. Additionally, the adopted rules (published in the 2/13/08 IAB as **ARC 6599B**) established the BMPs for small grain elevators.

Prior to 2008, most grain facilities used sweep augers to extract the remaining grain from the bottom of storage bins. Beginning in late 2009, the U.S. Occupational Safety and Health Administration (OSHA) sent letters to grain elevators stating that operators could not be inside a grain bin while an unguarded sweep auger operated inside the bin. As a result of the OSHA letters, more facilities use grain vacuuming to remove the remaining grain from storage bins.

With the wider use of grain vacuuming operations, the Department's field offices started receiving dust complaints from residences and businesses located near grain elevators using grain vacs. The Department became concerned about PM₁₀ emissions and dust from increased use of grain vac operations. The Department subsequently partnered with AAI to convene a

stakeholder workgroup to develop solutions that address complaints and ensure compliance with air quality regulations. The amendment is the result of this collaborative effort.

Stakeholder Involvement

The Grain Vac Workgroup convened in August 2011. The workgroup consisted of ten participants in addition to representatives from AAI, the Department and the Iowa Department of Agriculture and Land Stewardship. The facility and business participants included representatives from grain elevators and grain vac vendors. The workgroup met two times between August 2011 and June 2012. In addition, the Department conducted three onsite visits to observe grain vac operations.

The amendment revises the document, “Best Management Practices for Grain Elevators (December 2007),” adopted by reference in subparagraph 22.10(3)“a”(2). The revisions incorporate management practices for grain vac operations. AAI provided written comments to the Notice of Intended Action in support of the BMPs. The BMPs for grain vac operations will become applicable on the effective date of the adopted amendment (September 10, 2014).

Affected Facilities

The amendment revises the current BMPs for “Group 1” grain elevators and provide the option to include revised BMPs in the permits for new or modified “Group 2” grain elevators.

Group 1 grain elevators are specifically defined as facilities with PM₁₀ emissions less than 15 tons per year (567—22.10(455B)). Group 1 elevators are typically smaller grain elevators and are often “country grain elevators” that receive 50 percent or more of their grain from nearby farmers during harvest season. The owner or operator of a Group 1 elevator may use the BMP document and the streamlined registration process provided in rule 567—22.10(455B) rather than applying for an air construction permit.

Group 2 grain elevators have potential PM₁₀ emissions between 15 and 50 tons per year. In lieu of using the regular construction permit process, an owner or operator of a Group 2 elevator may complete a shorter application form specific to Group 2 elevators. The facility will receive a Group 2 permit that allows the facility to make certain changes without having to modify the permit. The BMPs included in the Group 2 permit are identical to the BMP document for Group 1 facilities. The amendment will affect only new or modified Group 2 facilities that apply for a new or revised Group 2 permit.

The amendment adds BMPs specific to grain vac operations to the current BMP document. Grain elevators that are not classified as Group 1 or Group 2 elevators are not covered by the proposed amendments. Grain elevators classified as Group 3 or Group 4 in rule 567—22.10(455B), as well as other grain elevators not covered by rule 567—22.10(455B), must obtain air construction permits. Construction permits include requirements specific to the facility, and may require BMPs similar to those in the BMPs for Group 1 or Group 2 facilities.

Item 2 amends the introductory paragraph of subrule 23.1(4) to reflect the most current amendment date to 40 Code of Federal Regulations (CFR) Part 63 adopted by reference in Chapter 23. The revised date reflects the amendments described below in Item 3 and Item 4.

Item 3 amends paragraph 23.1(4)“ev” to adopt the federal NESHAP for Chemical Manufacturing at Area Sources (40 CFR Part 63, Subpart VVVVVV). The Commission originally adopted this NESHAP by reference in 2010. However, EO 72 rescinded the adoption of this standard concurrent with the rescission of the RICE NESHAP. Subsequent to EO 72, the EPA revised this NESHAP to provide clarity and regulatory relief to stakeholders. The Commission is now adopting this standard for chemical manufacturing facilities.

Background

In October 2009, EPA finalized the NESHAP for Chemical Manufacturing at Area Sources (Subpart VVVVVV, hereafter referred to as the “6V NESHAP”). The final 6V NESHAP appeared to include ethanol production facilities, but the standards were unclear on several points. In January 2012, EPA agreed to reconsider portions of the 6V NESHAP. On December 21, 2012, EPA issued final amendments to the 6V NESHAP and extended the compliance date until March 2013. With the assistance of the Iowa Renewable Fuels Association (IRFA), the Department determined that current dry-mill corn ethanol production facilities in Iowa are not subject to the 6V NESHAP. At this time, the Department has identified a small number of other chemical manufacturing facilities subject to the 6V NESHAP.

Stakeholder Involvement

Since EPA issued the original 6V NESHAP in October 2009, the Department has worked with IRFA to discuss outstanding applicability issues concerning the federal regulations. The Department met with IRFA to discuss EPA’s revised standards (issued on December 21, 2012) and the potential implications for ethanol production facilities in Iowa. IRFA agreed to work with its members and its national association to gather data on emissions from ethanol production that could potentially trigger 6V NESHAP applicability. Based on the data and analysis that IRFA provided to the Department in May and June 2013, the Department concurred with IRFA that current dry-mill corn ethanol production facilities in Iowa are not subject to the 6V NESHAP.

Affected Facilities

Based on information and analysis compiled by IRFA, the Department has determined that dry-mill corn ethanol production facilities in Iowa are not subject to the 6V NESHAP, and therefore would not have regulatory costs associated with the 6V NESHAP. Five other chemical

manufacturing facilities have notified the Department and EPA that they are subject to the 6V NESHAP. Based on information available, it appears that two of these facilities are already complying with the 6V NESHAP. One of the facilities is currently under construction. The compliance status of the other two facilities is unknown.

Prior to publication of the Notice of Intended Action, EPA Region 7 provided informal recommendations that the Department note in the preamble for the adopted rules that EPA retains concurrent authority to enforce the 6V NESHAP once Iowa becomes the delegated authority. Upon adoption of the 6V NESHAP, the Department rather than EPA will be the primary authority to implement these regulations in Iowa, allowing the Department to provide compliance assistance and outreach to affected facilities as soon as possible. However, EPA retains concurrent authority to implement and enforce the 6V NESHAP in Iowa.

Item 4 amends paragraph 23.1(4)“fd” to adopt the recently amended federal NESHAP for Area Source Standards for Prepared Feeds Manufacturing (40 CFR Part 63, Subpart DDDDDDD, hereafter referred to as the “7D NESHAP”). The Commission originally adopted this NESHAP by reference in 2010. However, EO 72 rescinded the adoption of this standard concurrent with the rescission of the RICE NESHAP. Subsequent to EO 72, the EPA revised this NESHAP standard to provide clarity and regulatory relief to stakeholders. The Commission is now adopting the 7D NESHAP.

Background

In January 2010, EPA published the 7D NESHAP. The 7D NESHAP appeared to cover all feed mills that used chromium and manganese in production, but several provisions of the final standards were unclear. In 2011, EPA agreed to reconsider some provisions of the 7D NESHAP. EPA finalized its reconsideration on December 23, 2011, revising the 7D NESHAP so

that feed mills with pellet cooler operations were not required to install new emissions control if the facility had existing control equipment. The 7D NESHAP compliance date for existing feed mills was January 5, 2012.

Stakeholder Involvement

The Department has worked with AAI since EPA issued the original 7D NESHAP in January 2010. EPA issued final amendments on December 23, 2011, that generally allowed affected feed mills to comply with the 7D NESHAP by following basic housekeeping requirements and using existing emissions control equipment.

Affected Facilities

Based on notifications submitted to EPA and the survey that the University of Northern Iowa (UNI) air emissions assistance program conducted, the Department estimates that approximately 90 facilities in Iowa are subject to the 7D NESHAP. The majority of these facilities are subject only to basic housekeeping requirements. The Department estimates that 20 of these facilities are required to control particulate emissions (a surrogate for manganese and chromium emissions) from pellet cooling operations. Most of these facilities have submitted the required notifications to EPA and the Department indicating the facilities are in compliance with the 7D NESHAP. The 7D NESHAP requires all subject facilities to undertake additional monitoring, record keeping, and reporting.

Prior to publication of the Notice of Intended Action, EPA Region 7 provided informal recommendations that the Department note in the preamble for the adopted rules that EPA retains concurrent authority to enforce the 7D NESHAP once Iowa becomes the delegated authority. Upon adoption of the 7D NESHAP, the Department rather than EPA will be the primary authority to implement these regulations in Iowa, allowing the Department to provide

compliance assistance and outreach to affected facilities as soon as possible. However, EPA retains concurrent authority to implement and enforce the 7D NESHAP in Iowa.

Jobs Impact Statement

The following is a summary of the jobs impact statement. The complete jobs impact statement is available from the Department upon request.

After analysis and review, the Department has determined that the amendments will have no impact on private sector jobs and employment opportunities in the state.

Grain Vac BMPs

Grain elevator owners and operators will likely entail costs to control particulate emissions during grain vac operations. However, these costs should be minimal and should not negatively impact jobs at grain elevators. First, the activities listed in the BMP document are simply examples. The grain elevator owner or operator may determine if management activities are necessary to reasonably prevent dust from grain vac operations from crossing the property line and whether any of the examples included in the BMP document are appropriate for the facility. The owner or operator may choose to employ different management practices. Second, the BMPs were developed by a stakeholder group consisting of representatives from both grain elevator and grain vac vendors. The workgroup developed practical, cost-effective practices that are already being successfully implemented at some grain elevators. Third, the Department expects that grain elevator owners and operators will choose to implement BMPs only as necessary and will not implement practices at such a frequency or cost to adversely impact jobs at their facilities.

6V NESHAP

Based on information and analysis compiled by IRFA, the Department has determined

that dry-mill corn ethanol production facilities in Iowa are not subject to the 6V NESHAP and therefore would not have regulatory costs associated with the 6V NESHAP. The five other facilities potentially affected by the 6V NESHAP may have additional regulatory requirements, but these are not expected to be significant enough to impact jobs.

7D NESHAP

The 7D NESHAP requires all subject facilities to undertake additional monitoring, record keeping, and reporting. However, these requirements are not expected to be sufficient to negatively impact jobs at these facilities.

These amendments are intended to implement Iowa Code section 455B.133.

These amendments will become effective on September 10, 2014.

The following amendments are adopted.

ITEM 1. Amend subparagraph **22.10(3)"a"(2)**, as follows:

(2) Best management practices (BMP). The owner or operator of a Group 1 facility shall implement best management practices (BMP) for controlling air pollution at the facility and for limiting fugitive dust at the facility from crossing the property line. The owner or operator shall implement BMP according to the department manual, Best Management Practices (BMP) for Grain Elevators (December 2007; revised July 15, 2014), as adopted by the commission on January 15, 2008, and July 15, 2014, and adopted by reference herein (available from the department, upon request, and on the department's Internet Web site). No later than March 31, 2009, the owner or operator of an existing Group 1 facility shall fully implement applicable BMP, except that BMPs for grain vacuuming operations shall be fully implemented no later than September 10, 2014. Upon startup of equipment at the facility, the owner or operator of a new

Group 1 facility shall fully implement applicable BMP.

ITEM 2. Amend subrule 23.1(4), introductory paragraph, as follows:

23.1(4) *Emission standards for hazardous air pollutants for source categories.* The federal standards for emissions of hazardous air pollutants for source categories, 40 Code of Federal Regulations Part 63 as amended or corrected through ~~September 19, 2011~~, December 21, 2012, are adopted by reference, except those provisions which cannot be delegated to the states. The corresponding 40 CFR Part 63 subpart designation is in parentheses. An earlier date for adoption by reference may be included with the subpart designation in parentheses (except for paragraph 23.1(4) “cz,” which specifies a later date for adoption by reference). 40 CFR Part 63, Subpart B, incorporates the requirements of Clean Air Act Sections 112(g) and 112(j) and does not adopt standards for a specific affected facility. Test methods (Appendix A), sources defined for early reduction provisions (Appendix B), and determination of the fraction biodegraded (F_{bio}) in the biological treatment unit (Appendix C) of Part 63 also apply to the affected activities or facilities. For the purposes of this subrule, “hazardous air pollutant” has the same meaning found in 567—22.100(455B). For the purposes of this subrule, a “major source” means any stationary source or group of stationary sources located within a contiguous area and under common control that emits or has the potential to emit, considering controls, in the aggregate, 10 tons per year or more of any hazardous air pollutant or 25 tons per year or more of any combination of hazardous air pollutants, unless a lesser quantity is established, or in the case of radionuclides, where different criteria are employed. For the purposes of this subrule, an “area source” means any stationary source of hazardous air pollutants that is not a “major source” as defined in this subrule. Paragraph 23.1(4) “a,” general provisions (Subpart A) of Part 63, shall apply to owners

or operators who are subject to subsequent subparts of 40 CFR Part 63 (except when otherwise specified in a particular subpart or in a relevant standard) as adopted by reference below.

ITEM 3. Amend paragraph 23.1(4)“ev,” as follows:

ev. *Emission standards for hazardous air pollutants for area sources: chemical manufacturing.* ~~Rescinded IAB 9/19/12, effective 10/24/12.~~ This standard applies to chemical manufacturing at new and existing facilities that are area sources for hazardous air pollutant emissions. (Part 63, Subpart VVVVVV)

ITEM 4. Amend paragraph 23.1(4)“fd,” as follows:

fd. *Emission standards for hazardous air pollutants for area sources: prepared feeds manufacturing.* ~~Rescinded IAB 9/19/12, effective 10/24/12.~~ This standard applies to prepared feeds manufacturing that produces animal feed products (not including feed for cats or dogs) and uses chromium or manganese compounds at new and existing facilities that are area sources for hazardous air pollutant emissions. (Part 63, Subpart DDDDDDD)

Date

Chuck Gipp, Director

(**Note:** Adopted revisions are shown in strikethrough and underline text)

Best Management Practices (BMPs) for Grain Elevators

(Adopted 12/4/07; Revisions adopted July 15, 2014)

Applicability

The BMPs listed in this document shall apply at all country grain elevators, country grain terminal elevators, and grain terminal elevators as defined below. This document has been adopted by reference in 567 Iowa Administrative Code (IAC) 22.10(455B) and can only be modified or updated after completion of an administrative rulemaking conducted in accordance with the Iowa Administrative Procedure Act (Iowa Code chapter 17A). Facility-wide and equipment specific BMPs are included that apply to both existing equipment and new equipment, unless specified otherwise.

Where requirements for BMPs in construction or operating permits exist that are more stringent than those specified in this document, the more stringent BMPs shall be implemented. The applicable requirements provided in 40 Code of Federal Regulations (CFR) Part 60, Subpart DD, “Standards of Performance for Grain Elevators,” as adopted in 567 IAC 23.1(2)“ooo,” shall apply for subject grain terminal elevators and grain storage elevators, in addition to the BMPs provided in this document.

As provided for in 567 IAC 23.3(2)“c,” the department may, upon notification to the grain elevator’s owner or operator, require the owner or operator to implement additional practices and measures not already being implemented as precautions to prevent the discharge of visible emissions of fugitive dust beyond the property line of the facility which the emissions originate on. Additionally, visible emissions from equipment or air pollution control equipment operating at a grain elevator shall not equal or exceed 40 percent opacity (567 IAC 23.3(2)“d”), or the opacity specified in a permit if the equipment is permitted, whichever is lower.

Definitions

For the purposes of this document, the terms “country grain elevator,” “country grain terminal elevator,” and “grain terminal elevator” shall have the same meaning as defined in 567 IAC 22.10(1).

General Maintenance, Upkeep and Repair

-Maintain and operate equipment and air pollution control equipment at all times in a manner consistent with good practice for minimizing emissions. Air pollution control equipment includes but is not limited to, quick closing doors, enclosures, air curtains, wind deflectors, grain oiling equipment, loadout socks and drop-down spouts or sleeves, baghouses and vent filters, and cyclones.

-Equipment and air pollution control equipment malfunctions shall be remedied in an expeditious manner so as to minimize the amount and duration of excess emissions.

-Air pollution control equipment shall be operated when the air emission source is in operation and shall be checked daily for proper operation. This requirement does not apply on days that the air emission source does not operate.

-Routine maintenance of equipment and air pollution control equipment shall be scheduled during periods of process shutdown to the maximum extent possible.

(**Note:** Adopted revisions are shown in strikethrough and underline text)

- Clean internal and external areas, including floors, roofs and decks, as necessary to minimize dust to the atmosphere when the facility is receiving, transferring, or loading out grain.
- Clean the yard, ditches and curbs as necessary to minimize accumulation of grain, chaff, and grain dust.

Grain Handling Equipment

Grain handling equipment includes but is not limited to bucket elevators or legs, scale hoppers, turn heads, scalpers, cleaners, trippers, and headhouse and other such structures.

- Grain handling equipment shall be cleaned, enclosed, or controlled as necessary to minimize visible dust emissions to the atmosphere to 5% or less opacity when the equipment is being operated.
- Operation of aeration fans shall be minimized during loading of grain into storage bins to the extent possible.

Grain Unloading Stations (Dump Pits) and Grain Loading Stations (Loadouts)

- Dump pits with enclosures shall be maintained and operated so as to minimize the emissions of dust to the atmosphere resulting from the dumping and handling of grain.
- Dump pits with induced draft fans installed must use fans with a capacity of at least 50 cfm/sq. ft. of airflow at the effective grate surface, where the area of the effective grate surface is the area of the dump pit grate through which air passes, or would pass, when aspirated.
- If feasible, loadouts shall use socks and drop-down spouts or sleeves, or equivalent, which extend at least 6 inches below the sides of the receiving container to minimize grain free-fall distance, except for topping off.
- To the extent possible, the flow of the grain through the spout shall be regulated so as to minimize dust emissions from the receiving container when the container is empty to only partially full.
- If grain oiling is used, grain should be oiled after receipt at the grain unloading station and prior to transfer to bin storage to allow for the maximum control effectiveness. Grain oiling applied elsewhere in the process, instead of at the grain unloading station, will result in a lower control effectiveness and less credit for control in the PTE calculation tool.

Grain Dryers

- Column dryers shall have screen perforations on replacement screens or new dryer screens no greater than 0.094 inch.
- Grain inlets and grain outlets to dryers shall be enclosed.
- Rack dryers shall have a maximum screen house filter size of 50 mesh on replacement screen house filters or new dryer screen house filters.
- The volume of grain passing through the dryer shall not exceed the manufacturer's recommended capacity.
- Dryer screens should be inspected before each dryer start-up.

(Note: Adopted revisions are shown in strikethrough and underline text)

Grain Vacuuming (Grain Vac) Operations

Grain vac operators must employ best management practices as necessary to reasonably prevent the discharge of visible emissions of fugitive dusts beyond the lot line of the property on which the grain vac is being operated. These BMP are examples of reasonable practices to minimize the generation of fugitive dust emissions from grain vac operations:

-For grain loadouts use socks and drop-down spouts or sleeves, or equivalent, which extend at least 6 inches below the sides of the receiving container to minimize grain free-fall distance, except for topping off.

-Operate the vac at times when the wind direction and speed would minimize offsite impact.

-Vary the speed of the vac operations to minimize dust emissions.

-Utilize directional discharge to minimize offsite impact.

-Evaluate the use of additional control measures, such as add on controls, if needed to comply with 567 IAC 23.3(2)"c".

Recordkeeping Requirements

All grain elevators subject to these BMPs shall record BMPs used during times of grain vac operation. In addition, wind speed and direction and date and time of grain vac operation shall be noted.

~~While~~With the exception of grain vac operations, there are no other specific recordkeeping requirements associated with BMP for Group 1 facilities;. However owners or operators of Group 1 facilities are encouraged to maintain records as appropriate to demonstrate that applicable BMP are being implemented.

**Administrative Rules
JOBS IMPACT STATEMENT**

1. BACKGROUND INFORMATION

Agency:	Environmental Protection Commission/ Department of Natural Resources
IAC Citation:	567 IAC Chapters 22 and 23
Agency Contact:	Christine Paulson at (515) 725-9510
Statutory Authority:	Iowa Code section 455B.133
Objective:	<p>The Department of Natural Resources (Department) is adopting rule changes to amend the best management practices (BMPs) for grain elevators currently adopted by reference in administrative rules (567—22.10 (455B)). The BMPs for grain elevators are designed to reduce particulate matter emissions, especially dust that crosses the property line and may adversely affect air quality at nearby businesses or residences. The rulemaking adds to the current BMP document a list of management practices for grain vacuuming (grain vac) operations at grain storage bins. The management practices were developed and recommended by a stakeholder workgroup jointly coordinated by the Department and the Agribusiness Association of Iowa (AAI).</p> <p>The Department is also adopting by reference federal air toxics standards for chemical manufacturing plants and for prepared feeds manufacturing (also known as National Emission Standards for Hazardous Air Pollutants, or NESHAP).</p> <p>The Environmental Protection Commission (Commission) had originally adopted these standards by reference in 2010. However, Executive Order (EO) 72 rescinded adoption of these standards along with rescission of the RICE NESHAP. EO 72 stated the RICE NESHAP was too costly for small utilities that maintain and operate rarely used emergency engines, and the RICE NESHAP requirements could increase electricity rates for consumers. In response to the concerns from Governor Branstad as expressed in EO 72 and concerns from other stakeholders, EPA agreed to reconsider the RICE NESHAP. Consequently, EPA updated the RICE NESHAP to provide more circumstances for emergency engines and for engines that participate in electricity management programs to operate under non-emergency conditions. The Commission adopted the updated RICE NESHAP in a previous rulemaking (see Iowa Administrative Bulletin, September 16, 2013, ARC 1014C).</p> <p>Subsequent to EO 72, the U.S. Environmental Protection Agency (EPA) revised the NESHAP standards proposed for adoption in this rulemaking. The revised NESHAP generally provide regulatory relief and clarity from the previous requirements. The Department is now requesting permission to adopt these NESHAP. Upon adoption of the NESHAP, the Department</p>

	<p>rather than EPA will be the primary authority to implement these regulations in Iowa, thereby allowing the Department to provide compliance assistance and outreach to affected facilities as soon as possible.</p>
Summary:	<p>Grain Vac BMPs</p> <p>In 2007, the Department worked with AAI and other stakeholders to develop flexible groupings for grain elevators. This collaboration resulted in rules that allowed over 800 owners and operators of small grain elevators (classified as “Group 1” elevators) to complete a one-page registration form rather than applying for an air construction permit. Additionally, the rules finalized in 2007 established the BMPs for small grain elevators.</p> <p>These rule changes amend the current BMPs for “Group 1” grain elevators, and provide the option to include revised BMPs in the permits for new or modified “Group 2” grain elevators. Group 1 grain elevators are specifically defined as facilities with potential emission of less than 15 tons per year of particulate matter less than 10 microns in diameter (PM₁₀) (567 IAC 22.10). Group 1 elevators are typically smaller grain elevators and are often “country grain elevators” that receive fifty percent or more of their grain from nearby farmers during harvest season. The owner or operator of a Group 1 elevator may use the BMP document and the streamlined registration process provided in 567 IAC 22.10 rather than apply for an air construction permit.</p> <p>Group 2 grain elevators have potential emissions of between 15 and 50 tons per year of PM₁₀. In lieu of using the regular construction permit process, an owner or operator of a Group 2 elevator may complete a shorter application form specific to Group 2 elevators. The facility will receive a Group 2 permit that allows the facility to make certain changes without having to modify the permit. The BMPs included in the Group 2 permit are identical to the BMP document for Group 1 facilities. The rulemaking will affect only new or modified Group 2 facilities that apply for a Group 2 permit after the effective date of the adopted amendments.</p> <p>The rulemaking adds to the current BMP document management practices specific to grain vac activities. Grain elevators that are not classified as Group 1 or Group 2 elevators are not covered under the proposed rule changes. Grain elevators classified as Groups 3 or 4 in 567 IAC 22.10, as well as other grain elevators not covered by 567 IAC 22.10, must obtain air construction permits. Construction permits include requirements specific to the facility, and may require practices similar to those in the BMPs for Group 1 or Group 2 facilities.</p>

	<p>NESHAP Adoption</p> <p>On December 21, 2012, EPA completed its reconsideration of the NESHAP for Chemical Manufacturing at Area Sources (hereafter referred to as the “6V NESHAP”), and issued final amendments. With the assistance of Iowa Renewable Fuels Association (IRFA), the Department determined that current dry-mill corn ethanol production facilities in Iowa are not subject to the 6V NESHAP. The Department has identified a small number of other chemical manufacturing facilities subject to the 6V NESHAP.</p> <p>On December 23, 2011, EPA finalized its reconsideration of the NESHAP for Prepared Feeds Manufacturing at Area Sources (hereafter referred to as the “7D NESHAP”). The 7D NESHAP affects feed mills and other facilities that use chromium and manganese in the production of animal feed. However, the revised federal regulations clarified that larger feed mills with pellet cooler operations did not need to install new emissions control if the facility had existing control equipment.</p> <p>The Department is now adopting these revised NESHAP standards.</p>
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2. JOB IMPACT ANALYSIS

x Fill in this box if impact meets these criteria:

x No Job Impact on private sector jobs and employment opportunities in the State.

 Job Impact cannot be determined.

After analysis and review, the Department has determined that the amendments will have no impact on private sector jobs and employment opportunities in the State.

Grain Elevator BMPs

Grain elevator owners and operators will likely incur costs to control particulate emissions during grain vac operations. However, these costs should be minimal and should not negatively impact jobs at grain elevators. First, the activities listed in the BMP document are simply examples. The grain elevator owner or operator may determine if management activities are necessary to reasonably prevent dust from grain vac operations from crossing the property line, and whether any of the examples included in the BMP document are appropriate for the facility. The owner or operator may choose to employ different management practices. Second, the BMPs were developed by a stakeholder group consisting of representatives from both grain elevator and grain vac vendors. The workgroup developed practical, cost-effective practices that are already being successfully implemented at grain elevators. Third, the Department expects that grain elevator owners and operators will choose to implement BMPs only as necessary, and will not implement practices at such a frequency or cost to adversely impact jobs at their facility. AAI supports the Department’s amended rules for grain vac BMPs.

6V NESHAP

Based on information and analysis compiled by IRFA, the Department has determined that dry-mill corn ethanol production facilities in Iowa are not subject to the 6V NESHAP, and therefore would not have regulatory costs associated with the 6V NESHAP. IRFA supports the Department adopting the 6V NESHAP.

Five other chemical manufacturing facilities have notified the Department and EPA that they are subject to the 6V NESHAP. Based on information available, it appears that two of these facilities are already complying with the 6V NESHAP. One of the facilities is currently under construction. The compliance status of the other two facilities is unknown at this time. The Department does not expect these five facilities to experience any jobs impacts resulting from the 6V NESHAP.

7D NESHAP

Based on notifications submitted to EPA and the survey that the University of Northern Iowa (UNI) air emissions assistance program conducted, the Department estimates that approximately 90 facilities in Iowa are subject to the 7D NESHAP. The majority of these facilities have only basic housekeeping requirements. The Department estimates that 20 of these facilities are also required to control particulate emissions (a surrogate for manganese and chromium emissions) from pellet cooling operations. Most of these facilities have submitted the required notifications to EPA and the Department indicating the facilities are in compliance with the 7D NESHAP. The 7D NESHAP requires all subject facilities to undertake additional monitoring, recordkeeping, and reporting requirements. However, these requirements are not expected to negatively impact jobs at these facilities. AAI supports the Department adopting the 7D NESHAP.

— *Fill in this box if impact meets either of these criteria:*

_____ Positive Job Impact on private sector jobs and employment opportunities in the State.

_____ Negative Job Impact on private sector jobs and employment opportunities in the State.

Description and quantification of the nature of the impact the proposed rule will have on private sector jobs and employment opportunities:

Categories of jobs and employment opportunities that are affected by the proposed rule:
Country grain elevators and other grain elevators that meet the criteria for Group 1 or Group 2 elevators under rule 567 IAC 22.10. Feed mills, chemical manufacturing facilities, and other facilities potentially affected by the 6V or 7D NESHAPs.

Number of jobs or potential job opportunities:
Cannot be determined at this time.

Regions of the state affected:
The 6V and 7D NESHAP will apply in all regions of the state. The grain vac BMPs will apply in all areas of the state except Polk and Linn Counties. (Polk County and Linn County have their own state-approved air quality programs that do not include special permitting or BMPs for grain elevators.)

<p><i>Additional costs to the employer per employee due to the proposed rule: (if not possible to determine, write “Not Possible to Determine.”)</i></p> <p>Not possible to determine.</p>
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3. COST-BENEFIT ANALYSIS

The Agency has taken steps to minimize the adverse impact on jobs and the development of new employment opportunities before proposing a rule. See the following Cost-Benefit Analysis:

<p>No other less intrusive or expensive method exists for achieving the purpose of the rule change. The Department worked with stakeholders to determine the best way to address air quality concerns from grain vac operations at grain elevators. The workgroup determined that revising the BMP manual adopted by reference into state rules was the best method for achieving this goal. The Department worked closely with IRFA and AAI to resolve potential applicability issues with the 6V NESHAP and the 7D NESHAP, and waited until EPA completed its reconsiderations before proposing re-adoption of these standards. AAI and IRFA support the Department’s new rules.</p>
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Administrative Rule Fiscal Impact Statement

Date: February 28, 2014

Agency: Environmental Protection Commission/Department of Natural Resources

IAC Citation: 567 IAC subparagraph 22.10(3)"a"(2) and subrule 23.1(4)

Agency Contact: Christine Paulson

Summary of the Rule:

Grain Elevators

The Department of Natural Resources (Department) is adopting rule changes to amend the best management practices (BMPs) for grain elevators currently adopted by reference in administrative rules (567—22.10 (455B)). The BMPs for grain elevators are designed to reduce particulate matter emissions, especially dust that crosses the property line and may adversely affect air quality at nearby businesses or residences. The rulemaking adds to the current BMP document a list of management practices for grain vacuuming (grain vac) operations at grain storage bins. The management practices were developed and recommended by a stakeholder workgroup jointly coordinated by the Department and the Agribusiness Association of Iowa (AAI).

In 2007, the Department worked with AAI and other stakeholders to develop flexible groupings for grain elevators. This collaboration resulted in rules that allowed over 800 owners and operators of small grain elevators (classified as "Group 1" elevators) to complete a one-page registration form rather than applying for an air construction permit. Additionally, the rules finalized in 2007 established the BMPs for small grain elevators.

The rulemaking will amend the current BMPs for "Group 1" grain elevators, and will provide the option to include revised BMPs in the permits for new or modified "Group 2" grain elevators. Group 1 elevators are typically smaller grain elevators and are often "country grain elevators" that receive fifty percent or more of their grain from nearby farmers during harvest season. An owner or operator of a Group 1 elevator may use the BMP document and the streamlined registration process provided in rule 567 IAC 22.10 rather than applying for an air construction permit. In lieu of using the regular construction permit process, an owner or operator of a Group 2 elevator may complete a shorter application form specific to Group 2 elevators. The facility will receive a Group 2 permit that allows the facility to make certain changes without having to modify the permit. The BMPs included in the Group 2 permit are identical to the BMP document for Group 1 facilities. The rulemaking will affect only new or modified Group 2 facilities that apply for a Group 2 permit.

Summary of the Rule (con't.):

Air Toxics Standards

The Department is also adopting by reference federal air toxics standards for chemical manufacturing plants and for prepared feeds manufacturing (also known as National Emission Standards for Hazardous Air Pollutants, or NESHAP).

The Environmental Protection Commission (Commission) had originally adopted these standards by reference in 2010. However, Executive Order (EO) 72 rescinded adoption of these standards along with rescission the RICE NESHAP. EO 72 stated the RICE NESHAP was too costly for small utilities that maintain and operate rarely used emergency engines, and the RICE NESHAP requirements could increase electricity rates for consumers. In response to the concerns from Governor Branstad as expressed in EO 72 and concerns from other stakeholders, EPA agreed to reconsider the RICE NESHAP. Consequently, EPA updated the RICE NESHAP to provide more circumstances for emergency engines and for engines that participate in electricity management programs to operate under non-emergency conditions. The Commission adopted the updated RICE NESHAP in a previous rulemaking (see Iowa Administrative Bulletin, September 16, 2013, ARC 1014C).

Subsequent to EO 72, the EPA revised the NESHAP standards proposed for adoption in this rulemaking. EPA's updated standards provide improved clarity and regulatory flexibility over the previous standards.

On December 21, 2012, EPA completed its reconsideration of the NESHAP for Chemical Manufacturing at Area Sources (hereafter referred to as the "6V NESHAP"), and issued final amendments. With the assistance of the Iowa Renewable Fuels Association (IRFA), the Department determined that current dry-mill corn ethanol production facilities in Iowa are not subject to the 6V NESHAP. The Department has identified a small number of other chemical manufacturing facilities subject to the 6V NESHAP.

On December 23, 2011, EPA finalized its reconsideration of the NESHAP for Prepared Feeds Manufacturing at Area Sources (hereafter referred to as the "7D NESHAP"). The 7D NESHAP affects feed mills and other facilities that use chromium and manganese in the production of animal feed. However, the revised federal regulations clarified that feed mills with pellet cooler operations did not need to install new emissions control if the facility had existing control equipment.

The Department is now requesting permission to adopt these revised NESHAP standards. The revised NESHAP generally provide regulatory relief and clarity from the previous requirements. Additionally, upon adoption of the NESHAP, the Department rather than EPA will be the primary authority to implement these regulations in Iowa, thereby allowing the Department to provide compliance assistance and outreach to affected facilities as soon as possible.

Fill in this box if the impact meets these criteria:

☒ No Fiscal Impact to the State.

☐ Fiscal Impact of less than \$100,000 annually or \$500,000 over 5 years.

☐ Fiscal Impact cannot be determined.

Brief Explanation: The Department will use existing budget and resources to implement the rule.

Assumptions:

Describe how estimates were derived:

Estimated Impact to the State by Fiscal Year

	<u>Year 1 (FY 2011)</u>	<u>Year 2 (FY 2012)</u>
Revenue by Each Source:		
GENERAL FUND	0\$	0\$
FEDERAL FUNDS	0\$	0\$
Other (specify)	0\$	0\$
	<hr/>	<hr/>
	0\$	0\$
<i>TOTAL REVENUE</i>		
Expenditures:		
GENERAL FUND	0\$	0\$
FEDERAL FUNDS	0\$	0\$
Other (specify) Air Contaminant Fee		
	<hr/>	<hr/>
<i>TOTAL EXPENDITURES</i>		

NET IMPACT

 X This rule is required by State law or Federal mandate.

Please identify the state or federal law:

The specific rule changes for grain elevators are not required. However, the rule changes are authorized under Iowa Code section 455B.133. The NESHAP are authorized under the U.S. Clean Air Act Section 112, as codified in 40 Code of Federal Regulations Part 63.

 Funding has been provided for the rule change.

Please identify the amount provided and the funding source:

 X Funding has not been provided for the rule.

Please explain how the agency will pay for the rule change:

The Department will utilize existing resources at this time.

Fiscal impact to persons affected by the rule):

Grain Vac BMPs

Grain elevator owners and operators will likely incur costs to control particulate emissions during grain vac operations. However, these costs should be minimal. First, the activities listed in the BMP document are simply examples. The grain elevator owner or operator may determine if management activities are necessary to reasonably prevent dust from grain vac operations from crossing the property line, and whether any of the examples included in the BMP document are appropriate for the facility. The owner or operator may choose to employ different management practices. Second, the BMPs were developed by a stakeholder group consisting of representatives from both grain elevator and grain vac vendors. The workgroup developed practical, cost-effective practices that are already being successfully implemented at some grain elevators. Third, the Department expects that grain elevator owners and operators will choose to implement BMPs only as necessary, and will not implement practices at such a frequency or cost to overly burden their facility. AAI supports the grain vac BMPs.

6V NESHAP

Based on information and analysis compiled by IRFA, the Department has determined that dry-mill corn ethanol production facilities in Iowa are not subject to the 6V NESHAP, and therefore would not have regulatory costs associated with the 6V NESHAP. Five other chemical manufacturing facilities have notified the Department and EPA that they are subject to the 6V NESHAP. Based on information available, it appears that two of these facilities are already complying with the 6V NESHAP. One of the facilities is currently under construction. The compliance status of the other two facilities is unknown at this time. IRFA supports the Department adopting the 6V NESHAP.

7D NESHAP

Based on notifications submitted to EPA and the survey that UNI conducted, the Department estimates that up to 80 facilities in Iowa are subject to the 7D NESHAP. The majority of these facilities have only basic housekeeping requirements. The Department estimates that 20 facilities are required to control particulate emissions (a surrogate for manganese and chromium emissions) from pellet cooling operations. Most of these facilities have submitted the required notifications to EPA and the Department indicating the facilities are in compliance with the 7D NESHAP. The 7D NESHAP requires all subject facilities to undertake additional monitoring, recordkeeping, and reporting requirements. AAI supports the Department adopting the 7D NESHAP.

Fiscal impact to Counties or other Local Governments (required by Iowa Code 25B.6):

Grain Elevators: The Department expects minimal or no impact to counties or cities because local government entities typically do not operate grain elevators. However, if a local government entity not located in either Polk or Linn County does operate a grain elevator, the fiscal impact will be the same as described above for privately or cooperatively operated grain elevators. (Polk County and Linn County have their own state-approved air quality programs that do not include special permitting or BMPs for grain elevators.)

Air Toxics Standards: Impacts to facilities in Linn or Polk County potentially affected by the 6V or 7D NESHAP would be the same as noted above for other facilities in the state.

**PUBLIC PARTICIPATION RESPONSIVENESS SUMMARY
FOR
567 IOWA ADMINISTRATIVE CODE
CHAPTER 22, “CONTROLLING POLLUTION,” AND CHAPTER 23,
“EMISSION STANDARDS FOR CONTAMINANTS”**

Introduction

The first purpose of the rule changes is to establish best management practices (BMPs) for grain vacuuming at small grain elevators. The BMPs include practical activities that may be used at elevators to minimize dust and possible air quality impacts resulting from vacuuming grain out of storage structures. The BMPs were developed through a stakeholder workgroup jointly organized by the Department of Natural Resources (Department) and Agribusiness Association of Iowa (AAI), and included grain elevator operators and grain vacuum (grain vac) vendors.

The second purpose of the rule changes is to adopt by reference federal air toxics standards for chemical manufacturing plants and for prepared feeds manufacturing (also known as National Emission Standards for Hazardous Air Pollutants or NESHAP). The Commission had originally adopted these standards by reference in 2010. However, Executive Order 72 rescinded adoption of these standards along with rescission of the RICE NESHAP. Subsequent to Executive Order 72, the U.S. Environmental Protection Agency (EPA) revised these NESHAP standards. The revised NESHAP generally provide regulatory relief and clarity from the previous requirements. The Department is now requesting permission to adopt these NESHAP.

Notice of Intended Action was published in the Iowa Administrative Bulletin on May 14, 2014, as ARC 1458C, and a public hearing was held on June 16, 2014, in Windsor Heights, Iowa. The Department received no comments at the public hearing. The Department received two written comments prior to the June 16, 2014, deadline for public comments.

Public Comment Summary

Submitted by e-mail from Joel Brinkmeyer and Tracy Gathman, Agribusiness Association of Iowa, Des Moines, Iowa:

Agribusiness Association of Iowa (AAI) expressed strong support for the Department’s adoption of the proposed Grain Vac BMPs. AAI recommended adopting the amendments as written.

Department Response

The Department is appreciative of AAI’s public comments on the rulemaking.

Recommended Action

Proceed with final rules as proposed in the Notice of Intended Action (no changes from what the Department proposed).

Public Comment Summary

Submitted by e-mail from Sara HertzWu, U.S. Environmental Protection Agency (EPA) Region VII, Lenexa, Kansas:

EPA suggest using the following language in the preamble for the final rules: “Upon adoption of the 6V NESHAP, the Department will have primary enforcement and implementation authority for these regulations in Iowa... .”

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Department Response

The Department is appreciative of EPA’s public comments on the rulemaking. The Department agrees with EPA’s observation that the Department does not have sole implementation authority for the NESHAP in Iowa.

Recommended Action

The Department will provide a clarifying explanation in the preamble for the adopted amendments that the Department and EPA have concurrent authority for implementing and enforcing the NESHAP in Iowa. No changes to the adopted rules are needed in response to these comments.

Iowa Department of Natural Resources Environmental Protection Commission

ITEM

6

INFORMATION

TOPIC Executive Order 80 (EO 80) Stakeholder Group Recommendation on Topsoil Preservation Requirements in Storm Water Construction General Permit no. 2

The Topsoil Preservation Requirements Stakeholder Group will be presenting their final recommendations to the Environmental Protection Commission and the Department of Natural Resources.

Governor Branstad issued Executive Order 80 (EO 80) to increase stakeholder involvement and input on administrative processes and rules. The Director, in consultation with the Governor's Office, selected a stakeholder group to make recommendations and consider the need for rule changes in the Iowa Administrative Code (IAC): 567-subrule 64.15(2), which adopts by reference Storm Water Discharge Associated with Industrial Activity for Construction Activities, NPDES General Permit no. 2 (GP2), effective October 1, 2012 to October 1, 2017.

Background: Pursuant to federal law, a NPDES permit is required for construction activities which disturb 1 or more acres of land. Iowa, like other states, has chosen to issue a general permit (GP2) to cover such construction activities. In 2009, the Environmental Protection Agency (EPA) adopted effluent guidelines for construction activities at 40 Code of Federal Regulations (CFR) 450.21 Effluent limitations reflecting the best practicable technology currently available (BPT). These effluent guidelines included the requirement to "unless infeasible, preserve topsoil" with no guidance on the definition of what constitutes preserving topsoil. Shortly after the EPA adoption of the guidelines, the Department began rulemaking efforts to include the guidelines in GP2 which included contacting members of the development community for input. During these discussions, members of the development community recommended that retaining four inches of topsoil spread on the surface could satisfy the federal requirements, eliminate the ambiguity of the federal language and could be economically implemented. The Department agreed and included provisions that excluded from the topsoil preservation requirements already permitted or platted developments and excluded sites unsuited to respreading topsoil. The Department also included language that allowed sites with less than four inches of topsoil to retain only the amount that existed prior to development. Members of the development community did not oppose adoption of these requirements into GP2 effective October 1, 2012.

In the summer of 2013, members of the development community approached the Department with concerns about the cost of implementation of the topsoil preservation requirements. These concerns resulted in a request for and the formation of a stakeholder group pursuant to EO 80.

The stakeholder group met on April 24, May 2 and May 29 with a public hearing being held on May 29.

Members of this committee and the representation the members provided are as follows:

<i>Name</i>	<i>Organization</i>	<i>Representing</i>
Creighton Cox	Homebuilders Association of Greater Des Moines	Homebuilders
Chip Classon	Jerry's Homes, Inc.	Homebuilding company
Joe Pietruszynski	Hubbell Realty Company	Homebuilding and development company
Mark Watkins	McAninch Corporation	Earth moving company
Pat Sauer	Iowa Association of Municipal Utilities	Cities that enforce storm water requirements
Lucy Hershberger	Forever Green, Inc.	Landscaping company
Chad Ingels	Environmental Protection Commission	State agency

As a result of the information obtained and considered by the EO 80 stakeholder group, the group is now recommending to the Commission that, where the existing GP2 differs from the federal effluent guideline found at 450.21, the Commission amend the rule-adopted GP2 to conform to the federal effluent guideline. 40 CFR 450.21 is attached. *[Note: section 450.21 was amended effective May 5, 2014. Pursuant to Clean Water Act section 301(b), permit effluent limitations may not be less stringent than the federal technology-based effluent guidelines.]*

The Commission will receive the recommendation of the stakeholder group for consideration and will be presented with a decision item at a future monthly meeting at which time the Commission may direct the Department to initiate rulemaking or decline to do so. Related information is attached to this brief.

Public comments received throughout this process and additional information (listed below) can be found at <http://www.iowadnr.gov/InsideDNR/RegulatoryWater.aspx>

- Initial Notice in the Iowa Administrative Bulletin for NPDES GP No. 2
- Stakeholder Group Members for NPDES GP No. 2
- Draft Meeting Agenda for 5/2/2014 Soil Preservation Requirements EO80 Stakeholder Group
- Public Comments - Batch 1
- Public Comments - Batch 2
- EO80 Workgroup Meeting Minutes (4-24-2014)
- EO80 Workgroup Meeting Minutes (5-2-2014)
- EO80 Workgroup Meeting Minutes (5-29-2014)
- Addendum 2 - Waukeet NPDES No 2 Affidavit
- Federal Register March 6, 2014 Page 12667

**Environmental Protection Commission
Iowa Department of Natural Resources
7900 Hickman Road
Windsor Heights, Iowa**

Wednesday, June 11th

Environmental Protection Commissioners:

On behalf of the Executive Order 80 Workgroup for Topsoil Preservation Requirements in NPDES General Permit #2, I formally submit the unanimous recommendation for the consideration of the commission.

- 1. Proposal for GP2: Language available for the Commission to consider under the revised rule and Federal Register March 6, 2014, page 12667**
- 2. (A.1) Minutes of May 2, 2014: Portions 14 – 17, including items of unanimous agreement and items of contention. Additional: statement in support of “best management practices”**
 - a. “We believe best stormwater management practices should be taken into account by Builders, Developers, and Cities.”**
- 3. (A.2) Sample Affidavit from Waukee, Iowa “Certification of Completion of IDNR General Permit #2 Topsoil preservation Requirement”. The EO-80 group recommends the addition of the affidavit within the language of NPDES General Permit #2 to allow for uniform certification of completion in multiple jurisdictions to limit cost and allow for jurisdictional protection of liability.**
- 4. Public Comments: Provided by DNR Staff**
 - a. Written Comments submitted to DNR**
 - b. Oral Comments from Public Forum on May 29th, 2014**

Respectfully submitted:

**Creighton Cox, Chair
Executive Order 80 Workgroup for Topsoil Preservation Requirements in NPDES
General Permit #2**

Proposal For GP2

A.(2).(c). Unless infeasible, the following measures shall be implemented at all sites: utilize outlet structures that withdraw water from the surface when discharging from basins, provide and maintain natural buffers around surface waters, direct storm water to vegetated areas to increase sediment removal and maximize storm water infiltration ~~and minimize soil compaction. Topsoil shall be preserved at all construction sites unless land use precludes the practice. The requirement to preserve topsoil shall be met only when the depth of topsoil after soil disturbing activities have been completed and final stabilization achieved for the permitted activity is equal to, or greater than, 4.0 inches, including soil contained in sod, on all areas of the site where the surface of the ground disturbed for the permitted construction activities is exposed and not covered by concrete, asphalt, gravel or other such material and where 4.0 inches or more of topsoil existed prior to the commencement of soil disturbing activities that are permitted under the current permit authorization for the site. On areas where less than 4.0 inches of topsoil existed prior to the commencement of soil disturbing activities that are permitted under the current permit authorization for the site, the minimum depth of topsoil after soil disturbing activities have been completed and final stabilization achieved for the permitted activity shall be equal to, or greater than, the depth of topsoil that existed prior to the commencement of soil disturbing activities that are permitted under the current permit authorization for the site.~~ **The permittee(s) shall minimize soil compaction and, unless infeasible, preserve topsoil. “Infeasible” shall mean not technologically possible, or not economically practicable and achievable in light of the best industry practices. “Unless infeasible, preserve topsoil” shall mean that, unless infeasible, topsoil from any areas of the site where the surface of the ground for the permitted construction activities is disturbed, shall remain within the area covered by the applicable General Permit No. 2. Minimizing soil compaction is not required where the intended function of a specific area of the site dictates that it be compacted. Preserving topsoil is not required where the intended function of a specific area of the site dictates that the topsoil be disturbed or removed. The permittee(s) shall control stormwater volume and velocity to minimize soil erosion in order to minimize pollutant discharges and shall control stormwater discharges, including both peak flowrates and total stormwater volume, to minimize channel and streambank erosion and scour in the immediate vicinity of discharge points. An affidavit to the city signed by the permittee(s) that verifies compliance with these requirements shall satisfy the terms of this paragraph.**

~~The final topsoil depth is to be measured after the soil has been compacted in a fashion generally considered adequate for an established lawn and so that the expected settling that will occur after measurement will be minimal and shall include the soil contained in any sod that has been placed on the site. The type of topsoil at the site after soil disturbing activities have been completed and final stabilization achieved for the permitted activity shall be similar to that which exists or existed in the general area of the site.~~

For construction activity which is part of a larger common plan of development, such as a housing or commercial development project, in which a new owner agrees in writing to be solely responsible for compliance with the provisions of this permit for the property which has been transferred or in which the new owner has obtained authorization under this permit for a lot or lots (as specified in subrule 567-64.6(6) of the Iowa Administrative Code), the topsoil preservation

requirements described above must be met no later than at the time the lot or lots have reached final stabilization as described in this permit.

~~For sites where less than 4.0 inches of topsoil is to be in place after soil disturbing activities have been completed and final stabilization achieved for the permitted activity, a soil survey conducted by properly qualified personnel who regularly conduct soil surveys as part of their normal job duties must be conducted prior to commencement of soil disturbing activities that are permitted under the current permit authorization for the site. The results of the soil survey shall become part of the Pollution Prevention Plan and shall indicate the depth of topsoil at a suitable number of points on the site commensurate with standard engineering practices established for the size of the site.~~

The topsoil preservation requirement described above shall be implemented for projects that have not received an authorization under this permit prior to October 1, 2012. The topsoil preservation requirements are not required to be implemented for projects that have been authorized prior to October 1, 2012. In residential and commercial developments, a plat is considered a project. For other large areas that have been authorized for multiple construction sites, including those to be started at a future date, such as those located at industrial facilities, military installations and universities, a new construction project not yet surveyed and platted out is considered a project. This stipulation is intended to be interpreted as requiring the topsoil preservation requirements on development plats and construction activities on other extended areas that may have several construction projects permitted under the same authorization to be implemented on those projects not yet surveyed and platted out prior to October 1, 2012 even if other plats and construction activities in the same development or other extended area were authorized prior to October 1, 2012.

Monthly Variance Report
May 2014

Item No.	Facility/City	Program	DNR Reviewer	Subject	Decision	Date
1	Fleck Farm & Feedlot	Animal Feeding Operations	Paul Petitti	allow private well less than required 400 foot to an open lot runoff control basin.	approved	5/2/2014
2	Matthw Helgeson	Sovereign Lands	Kelly Poole	allow placement and utilization of weed roller on property	approved	5/6/2014
3	South Troy Park Recreation Bridge over Dry Creek	Flood Plains	Karen Smith	variance from freeboard criterion from 3 feet above 50 year flood elevation to equal to 50 flood elevation. variance from backwater criterion.	approved	5/8/2014
4	Fort Madison City of STP	Wastewater Construction	Larry Bryant	variance to allow directional bore installation of gravity sewer in lieu of open trench installation procedures.requirements.	approved	5/8/2014
5	Gable Corp	Air Quality	Brian Hutchins	variance to install 91 emergency generators	approved	5/13/2014
6	CHS Inc	Air Quality	Dennis Thielen	requesting extension to perform stack tesing	approved	5/14/2014
7	Muscatine Power & Water	Air Quality	Reid Bermel	request for trial burn/feasibility test of wood material chip material fuel blend	partially approved	5/19/2014
8	McCloud Place NE	Flood Plains	Karen Smith	variance from freeboard criterion from 3 feet above 50 year flood elevation to equal to 50 flood elevation. variance from backwater criterion.	approved	5/20/2014
9	Country Estates MHP	Water Supply Construction	AJ Montefusco	variance from legal control of land for a 200-foot radius around public water supply well and separation distances for chemical application to ground services from deep well.	approved	5/22/2014
10	Clinton City of STP	Wastewater	Anne Hildebrand	variance from monitoring frequencies	approved	5/22/2014
11	Bridge Replacement BRF 030	Flood Plains	Jim Hallmark	variance from freeboard criterion from 3 feet above 50 year flood elevation to equal to 50 flood elevation. variance from backwater criterion.	approved	5/27/2014
12	City of Wall Lake	Water Supply Construction	Jennifer Bunton	variance fro fuel tank separation distance from well	approved	5/28/2014
13	City of Coralville STP	Wastewater	Mark Valmore	variance to allow horizontal directional drilling installation of gravity sewer in lieu of open trench installation procedures requirements.	approved	5/30/2014
14	DNR	Service Contracting	Kelley Myers	DNR waived the Duration of Service Contracts rule, as articulated in 11 IAC 106.11(8A), for proposed contract with vendor to develop and manage DNR's electronic licensing system.	approved	7/7/2007

**DEPARTMENT OF NATURAL RESOURCES
ENVIRONMENTAL PROTECTION COMMISSION
ATTORNEY GENERAL REFERRALS
July, 2014**

Name, Location and Region Number	Program	Alleged Violation	DNR Action	New or Updated Status	Date
BCB Ag, LLC Inwood (3)		Uncertified Applicator; Lack of Signage for Manure Service on Vehicle	Referred to Attorney General	Referred	4/15/14
Grain Processing Corporation Muscatine (6)	Air Quality Wastewater	Construction Without (PSD) Permit; Failure to Have Proper Control Technology; Excess Emissions; Other Air Permit Violations; Failure to Comply With MON; Failure to Report Actual Emissions; Construction Without WW Permit; Untimely Notice of Wastewater Spill	Referred to Attorney General	Referred Petition Filed Answer CLAM Motion to Intervene Hearing on Intervention Ruling Granting CLAM Intervention Amended and Substituted Petition Consent Decree (\$1,500,000 Civil Penalty, Conversion to Natural Gas, Corrective Action and Permanent Injunction	4/19/11 12/01/11 1/10/12 1/24/12 4/03/12 6/25/12 7/24/13 3/27/14
Hoffman, Matt Hinton (3)	Animal Feeding Operation	Failure to Submit MMP and Fees	Referred to Attorney General	Referred	4/15/14
Iowa Farm Bureau Federation et. al. Polk Co. (5)	Wastewater	Judicial Review of Antidegradation Rules	Attorney General	Petition Filed State's Answer Motion to Intervene by Sierra Club Motion to Intervene by Iowa Environmental Council and Environmental Law & Policy Center Hearing on Intervention Ruling Granting Intervention State's Motion for Summary Judgment; Undisputed Facts; Affidavits; Appendix and Memorandum Hearing on Petitioners' Motions Ruling Denying Petitioners' Motions Petitioner's Application for Interlocutory Appeal Petitioner's Motion for Stay State's Resistance to Application State's Resistance to Motion for Stay Hearing on Motion for Stay Supreme Court Denial of Interlocutory Appeal Petitioners' Motion for Stay Hearing Withdrawn Petitioners' Motion for Summary Judgment and Cross-Motion for Summary Judgment Hearing on Motions for Summary Judgment Ruling Granting State's Motion for Summary Judgment Notice of Appeal Petitioner's Proof Brief State's Proof Brief	10/04/10 10/27/10 11/03/10 12/15/10 1/20/11 2/03/11 4/29/11 9/30/11 10/14/11 10/31/11 11/08/11 11/14/11 11/16/11 11/30/11 11/23/11 11/30/11 12/21/11 1/18/12 3/29/12 4/26/12 9/28/12 11/28/12

**DEPARTMENT OF NATURAL RESOURCES
ENVIRONMENTAL PROTECTION COMMISSION
ATTORNEY GENERAL REFERRALS
July, 2014**

Name, Location and Region Number	Program	Alleged Violation	DNR Action	New or Updated Status	Date
				State's Designation of Appendix Appendix Filed Respondent-Intervenors' Proof Brief Petitioners' Proof Reply Brief Petitioner's Final Brief Petitioner's Final Reply Brief State's Final Brief Respondent-Intervenor's Final Brief Oral Argument before Iowa Supreme Court	11/28/12 1/23/13 12/03/12 2/05/13 2/06/13 2/06/13 2/06/13 2/08/13 10/09/13
McMains, Phil Appanoose Co. (5)	Air Quality Solid Waste	Open Burning Illegal Disposal	Referred to Attorney General	Referred Petition Filed Answer Motion for Leave to Amend Petition Trial Date	6/19/12 8/08/13 9/03/13 1/02/14 12/03/14
North Central Iowa Regional SWA Fort Dodge (2)	Solid Waste	Operating Permit Violations	Referred to Attorney General	Referred	9/17/13
North Iowa Area Solid Waste Agency Sheldon (3)	Solid Waste	Unapproved Leachate Collection System	Referred to Attorney General	Referred Petition Filed Answer Third Party Petition Against Elliot Waddell and Five States Engineering, PLC State's Resistance to Demand for Jury Trial Hearing Regarding Jury Trial Demand Ruling Denying Jury Demand Motion to Clarify Ruling Nunc Pro Tunc Order Jury Demand Allowed for 3 rd Party Defendant State's Motion to Strike or Sever 3 rd Party Petition Resistance to Motion to Strike Application for Default Judgment Order Granting Default Judgment Against 3 rd Party Defendant Trial Date	1/15/13 9/26/13 10/11/13 10/11/13 10/23/13 11/25/13 1/17/14 1/23/14 1/28/14 2/11/14 2/24/14 3/12/14 3/13/14 3/31/15
Peeters Development Co., Inc.; Mt. Joy Mobile Home Park Davenport (6)	Wastewater	Monitoring/Reporting; Compliance Schedule; Discharge Limits; Operation Violations; Certified Operator Discipline	Referred to Attorney General	Referred	3/18/14
Scallon, Jim Austinville (2)	Solid Waste	Illegal Disposal	Referred to Attorney General	Referred	5/20/14

**DEPARTMENT OF NATURAL RESOURCES
ENVIRONMENTAL PROTECTION COMMISSION
ATTORNEY GENERAL REFERRALS
July, 2014**

Name, Location and Region Number	Program	Alleged Violation	DNR Action	New or Updated Status	Date
Sioux-Preme Packaging Co. Sioux Center (3)	Wastewater	Prohibited Discharge; Operation Violations; WQ Violations – General Criteria	Referred to Attorney General	Referred	9/17/13
Van Beek, Vern Inwood (3)	Animal Feeding Operation	Prohibited Discharge	Referred to Attorney General	Referred Petition Filed Consent Decree (\$12,000/Civil Penalty; Injunction)	10/16/12 5/22/14 5/22/14

**DEPARTMENT OF NATURAL RESOURCES
ENVIRONMENTAL PROTECTION COMMISSION
CONTESTED CASES**

July, 2014

DATE RECEIVED	NAME OF CASE	F.O.	ACTION APPEALED	PROGRAM	ASSIGNED TO	STATUS
11/27/01	Dallas County Care Facility	5	Order/Penalty	WW	Hansen	10/03 – Letter to County attorney regarding appeal resolution. 1/04 – Letter to attorney regarding appeal. 4/04 – Dept. letter to attorney regarding appeal. 9/04 – Dept. letter to attorney regarding appeal. 6/26/07 – Appeal resolved. Facility connected to City WWTF. Consent order to be issued. 1/29/13 – Order amendment drafted.
10/29/09	Harlan Rudd; Karen Rudd; dba Rudd Brothers Tires	6	Order/Penalty	UT	Brees	Informal negotiation. CADR was submitted, partially rejected with options. Settlement letter sent 2/24/10.
12/16/09	Guy Thomas	4	Order/Penalty	UT	Brees	Oral agreement for tank removal prior to April 1, 2010. Continued negotiation on final settlement.
2/25/10	Higman Sand & Gravel Inc.	3	Order/Penalty	FP	Clark	6/13/14 – Higman President agrees to have its engineer document completion of mitigation work and to pay penalty in Order upon his return to Iowa and execution of consent amendment to Order.
3/11/10	Bondurant, City of	5	Order/Penalty	WW	Hansen	7/2013-On hold pending further investigation.
11/3/2010	Wendall Abkes	2	Order/Penalty	SW	Schoenebaum	Settlement phone call held. Mr. Abkes indicated he would enter into a settlement. 6/12/13 -- Offer to settle sent via certified mail. Letter was returned as unclaimed.
12/29/10	Griffin Pipe Products Co., Inc.	4	Permit Conditions	AQ	Preziosi	Last communication with appellant 5/6/14.
1/31/11	Griffin Pipe products Co., Inc.	4	Tax Certification Request	AQ	Preziosi	Settled in concept 1/28/14. Last communication with appellant 5/6/14.
2/28/11	Manson, City of	3	Order/Penalty	WS	Hansen	4/1/11 – Settlement conference held with City. 6/22/11- Settlement offer received from City attorney. 6/28/11- More information requested from City attorney concerning the settlement proposal. 11/29/11- Settlement meeting with City regarding new well project. 12/2011 – City proceeding with project. 6/2012- Contractor worked on new well to remove debris in well. Test pump to be installed to do test of well capacity. 07/2012- City to abandon new well and select new site for well to increase PWS capacity. 10/2012- Water plant work to be done week of 12/10/12. 5/2013- New well project & appeal on hold, pending UDSA funding decision. 6/2/13 – USDA funding decision received. 6/26/13 – New bid date for well project. . 7/2013-

**DEPARTMENT OF NATURAL RESOURCES
ENVIRONMENTAL PROTECTION COMMISSION
CONTESTED CASES
July, 2014**

DATE RECEIVED	NAME OF CASE	F.O.	ACTION APPEALED	PROGRAM	ASSIGNED TO	STATUS
						Tentative schedule for new well received from City's engineer. 8/13 – Drilling on test well begun by contractor. 9/13 – Test well not productive, new well site approved by Dept. New test well to be drilled. 10/13- Test well drilled but not successful. Test well abandoned. City Council to decide on next step. 1/24/14 – City's engineer sent revised construction schedule for another test well and production well. 5/23/14- Test well drilled but not successful. City Council to determine next step.
8-27-12	Ag Processing, Inc.; Sergeant Bluff	4	Permit Conditions	AQ	Preziosi	Met with appellant 1/31/14. Met with appellant 3/12/14. Negotiations continuing. Appellant to submit further information in April. Settled in concept. Last communication with appellant on 5/22/14.
11-21-12	Ag Processing Inc.	6	Permit Conditions	AQ	Preziosi	Continuing negotiations. Last communication with appellant on 5/20/14.
3-04-13	Anderson Excavating Co., Inc.	4	Order/Penalty	SW	Tack	Negotiating before filing.
6-20-13	Joseph and Carol Jahnke	1	Dam Application	FP	Schoenebaum	Proposed decision 1/8/14. 1/21/14 – EPC affirmed decision. Decision final
6-10-13	Mike Jahnke	1	Dam Application	FP	Schoenebaum	Hearing scheduled for April 9, 2014, Mr. Jahnke requested a continuance. Status conference with Judge was held April 23, 2014; another status conference is scheduled to be held June 4, 2014; at this time a new hearing date may be selected.
9-09-13	David Hansen; Debra D. Imhoff	6	Order/Penalty	FP	Schoenebaum	Appeal filed 9/9/13.
10-28-13	Regional Environmental Improvement Commission/Iowa Co. SLF	6	Variance	WW	Tack	Negotiating before filing.
11-07-13	Linn County Conservation Board Pinicon Ridge Park	6	Permit Conditions	WS	Hansen	2/27/14 – Settlement offer sent. 3/24/14 – Response received from Linn Co. 4/2014- Linn County in agreement to install chlorination/construction permit application submitted to Dept. Permit amendment to be issued. 5/2014- Construction permit issued by Dept.; construction to be completed 5/2014.
1-02-14	P & J Pork, LLC		Construction Permit Denial	AFO	Clark	6/10/14 – Proposed decision affirming DNR permit denial.
1/16/14	Council Bluffs Water Works	4	Permit Conditions	WW	Tack	Negotiating before filing.

**DEPARTMENT OF NATURAL RESOURCES
ENVIRONMENTAL PROTECTION COMMISSION
CONTESTED CASES**

July, 2014

DATE RECEIVED	NAME OF CASE	F.O.	ACTION APPEALED	PROGRAM	ASSIGNED TO	STATUS
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1/21/14	AG Processing, Inc.		Permit Conditions	AQ	Preziosi	Negotiations continuing. Last communication with appellant on 5/20/14.
4/17/14	REIC/Iowa Co. Sanitary Landfill	6	Permit Conditions	WW	Tack	Negotiating before filing.
6/09/14	Lost Nation, City of	6	Permit Conditions	WS	Hansen	New case.

DATE: July, 2014

TO: EPC

FROM: Ed Tormey

RE: Enforcement Report Update

The following new enforcement actions were taken during this reporting period:

Name, Location and Field Office Number	Program	Alleged Violation	Action	Date
Toronto, City of (6)	Wastewater	Monitoring/Reporting; Compliance Schedule; Discharge Limits; Prohibited Discharge	Consent Order \$5,000	6/05/14
United Church of Diagonal Ringgold Co. (4)	Air Quality Solid Waste	Open Burning; Asbestos; Illegal Disposal	Consent Order \$1,500 \$4,500 SEP	6/06/14
Foreman, Rex Sioux Co. (3)	Solid Waste	Illegal Disposal	Consent Order Stipulated Penalty	6/12/14
H & W Contracting, LLC Storm City (3)	Drinking Water	Construction Without Permit	Consent Order \$3,000	6/20/14
Grant Wells Pocahontas Co. (3)	Animal Feeding Operation	Prohibited Discharge – Confinement; WQ Violations – General Criteria	Consent Order \$1,500 \$22,149/Fish	6/20/14
ADA Enterprises, Inc. Worth Co. (2)	Wastewater	WQ Violations – General Criteria	Consent Order \$10,000	6/20/14

Name, Location and Field Office Number	Program	Alleged Violation	Action	Date
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July, 2014

Proposal

IOWA DEPARTMENT OF NATURAL RESOURCES
LEGAL SERVICES BUREAU

DATE: July 1, 2014
TO: Environmental Protection Commission
FROM: Ed Tormey
SUBJECT: Summary of Administrative Penalties

The following administrative penalties are due:

NAME/LOCATION	PROGRAM	AMOUNT	DUE DATE
Robert and Sally Shelley (Guthrie Center)	SW	1,000	3-04-91
Daryl & Karen Hollingsworth d/b/a Medora Store(Indianola)	UT	3,826	3-15-96
Greg Morton; Brenda Hornyak (Decatur Co.)	SW/AQ/WW	3,000	11-04-98
James Harter (Fairfield)	WW	1,336	8-01-01
Wisconsin North dba National Petroleum, Inc. (Clinton)	UT	5,000	8-04-01
# Practical Pig Corporation (Clinton Co.)	AFO	2,000	5-26-02
Midway Oil Co.; David Requet (Davenport)	UT	5,355	9-20-02
Midway Oil Co.; David Requet; John Bliss	UT	44,900	2-28-03
Green Valley Mobile Home Park (Mt. Pleasant)	WW	5,000	4-23-03
Midway Oil Company (West Branch)	UT	7,300	5-03-03
Midway Oil Company (Davenport)	UT	5,790	5-03-03
Albert Miller (Kalona)	AQ/SW	9,785	9-26-03
Mike Messerschmidt (Martinsburg)	AQ/SW	500	4-13-04
Interchange Service Co., Inc., et.al. (Onawa)	WW	6,000	5-07-04
# Dunphy Poultry (Union Co.)	AFO	1,500	6-27-04
# Cash Brewer (Cherokee Co.)	AFO/SW	10,000	8-25-04
# Doorenbos Poultry; Scott Doorenbos (Sioux Co.)	AFO	1,500	10-09-04
Rock N Row Adventures (Eldora)	WS	3,000	10-23-04
# Doug Sweeney (O'Brien Co.)	AFO	375	12-21-04
Harold Linnaberry (Clinton Co.)	SW	1,000	5-18-05
# Joel McNeill (Kossuth Co.)	AFO	2,460	1 21-06
Affordable Asbestos Removal, Inc. (Monticello)	AQ	7,000	4-28-06
# Troy VanBeek (Lyon Co.)	AFO	3,500	10-16-06
Larry Bergen (Worth Co.)	AQ/SW	257	11-01-06
# Joshua Van Der Weide (Lyon Co.)	AFO	3,500	2-25-08
Karl Molyneux (What Cheer)	AQ/SW	960	7-19-08
George Kramer (Clinton Co.)	AQ/SW	1,500	11-09-08
Jon Knabel (Clinton Co.)	AQ/SW	2,000	12-16-08
Stuart Yoder (Johnson Co.)	AQ/SW	224	2-11-09
# Robert Fangmann (Dubuque Co.)	AFO	396	6-01-09
# Rick Renken (LeMars)	AFO	996	7-03-09
# Brian Lill (Sioux Co.)	AFO	3,342	7-18-09
# Lane Bachman (Calhoun Co.)	AFO	3,885	10-08-09
Denny Geer (New Market)	SW	9,476	10-31-09
Shrey Petroleum; Palean Oil; Profuel Three (Keokuk)	UT	10,000	3-19-10
Melvin Wellik; Wellik-DeWitt Implement (Britt)	AQ/SW	2,900	4-08-10
Alchemist USA, LLC; Ravinder Singh (Malcom)	UT	8,260	5-03-10
# LJ Unlimited, LLC (Franklin Co.)	AFO/AQ/SW	3,500	5-27-10
Bret Cassens; J & J Pit Stop (Columbus Junction)	UT	8,700	6-20-10

#Animal Feeding Operation

BOLD Entries Have Been Referred to DRF

# Christopher P. Hardt (Kossuth Co.)	AFO	2,000	7-07-10
AKD Investments, LLC; H.M. Mart, Inc. (Blue Grass)	UT	6,900	8-06-10
Eastern Hills Baptist Church (Council Bluffs)	WS	1,250	11-29-10
James Bailey; James Bailey Construction (Douds)	AQ/SW	634	12-01-10
# Joe McNeill (Kossuth Co.)	AFO	2,500	12-23-10
Gonzalez & Sons Express, Inc. (DeSoto)	WW	8,000	4-20-11
David C. Kuhlemeier (Cerro Gordo Co.)	AQ/SW	2,000	6-30-11
Steve Friesth (Webster Co.)	AQ/SW	7,857	11-26-11
Josh Oetken (Worth Co.)	AQ/SW	8,495	3-11-12
Jeffrey G. Gerritson (O'Brien Co.)	SW	2,000	4-16-12
Bhupinder Gangahar/Saroj Gangahar/International Business	UT	7,935	4-20-12
Finney Industrial Painting, Inc. (Fairfield)	AQ/WW	3,775	4-23-12
Terry Philips; TK Enterprises (Washington Co.)	AQ/WW	3,000	5-30-12
# Boerderij De Vedhoek, LLC (Butler Co.)	AFO	8,500	11-16-12
James L. Heal; A-1 Imports (Homestead)	WW/SW	1,800	1-08-13
Sun-Jon, Inc.; Iowa Poultry (Johnson Co.)	WW	3,000	1-08-13
Noah Coppess (Cedar Co.)	AQ/SW	7,500	2-23-13
Shane Rechkemmer (Fayette Co.)	SW	1,000	3-01-13
Jeff Grooms; Floris One Stop (Floris)	UT	3,500	3-01-13
Keith Durand; Durand Construction (Lee Co.)	WW	500	3-07-13
B Petro Corporation (Cedar Rapids)	UT	7,728	5-13-13
Bernard Michelson (Hancock Co.)	AQ/SW	2,500	4-26-13
Ken Odom (Iowa Co.)	AQ/SW	3,000	4-26-13
Jacob Reed (Mahaska Co.)	AQ/SW	1,500	6-10-13
River Trading Company, Ltd. (Muscatine)	WW	3,000	9-15-13
Robert Downing (Mahaska Co.)	AQ/SW	10,000	11-20-13
# Steve and Paul Groth; Groth Farms (Mitchell Co.)	AFO	3,000	11-17-13
Shriners Hospital for Children, Inc. (Des Moines)	UT	8,890	12-03-13
Larry Eisenhower (Woodbury Co.)	AQ/SW	4,675	3-01-14
Randy Wise; Wise Construction (Buena Vista Co.)	AQ/SW	3,000	4-10-14
Quality Mat Co., Inc. (Black Hawk Co.)	AQ	3,000	4-03-14
Advanced Electroforming, Inc. (Cedar Co.)	AQ	1,500	4-03-14
Bob Lehmen; Permeate Refining, Inc. (Delaware Co.)	AQ	1,500	4-03-14
Warren Garrett; Garrett Painting & Sandblasting (DM Co.)	AQ	1,500	5-24-14
Audra Early; Mid-States Mfg. & Engr. (Van Buren Co.)	AQ	2,500	4-03-14
Western Iowa Telephone Assoc. (Lawton)	WW	4,000	5-24-14
# Larrell DeJong; Jodi DeJong (Osceola Co.)	AFO	2,250	6-20-14
Humboldt, City of	WS	10,000	6-23-14
Toronto, City of	WW	5,000	7-05-14
United Church of Diagonal (Ringgold Co.)	AQ/SW	1,500	7-06-14
TOTAL		353,212	

The following penalties have been placed on payment plans:

* Reginald Parcel (Henry Co.)	AQ/SW	110	4-23-05
* Country Stores of Carroll, Ltd. (Carroll)	UT	1,408	6-06-05
* Douglas Bloomquist (Webster Co.)	AQ/SW	3,500	12-01-07
* Jack Knudson (Irwin)	UT	10,000	1-15-08
* Craig Burns (Postville)	WW	950	7-15-08
# Jerry Passehl (Latimer)	SW/WW/HC	2,695	7-01-09
Jerry Wernimont (Carroll)	AQ/SW	1,500	4-19-10
# Ernest Greiner (Keokuk Co.)	AFO	500	10-10-10
Quad City Drum Recycling Co., Inc. (Davenport)	AQ	125	9-01-12
John Kletsch (Superior)	AQ	600	11-01-12

#Animal Feeding Operation

BOLD Entries Have Been Referred to DRF

Jim Scallon (Butler Co.)	SW	700	4-15-13
R.H. Hummer Jr., Inc.; 2161 Highway 6 Trail (Iowa Co.)	AQ/SW	3,643	9-15-13
Patrick Baker; Stockton Auto (Davenport)	AQ/SW	664	7-15-14
Air Advantage, Inc. (Mt. Pleasant)	WW	3,000	4-01-14
Ellsworth Excavating Co. (Muscatine Co.)	AQ/SW	975	6-01-14
# Steve Grettenberg; Dragster LLC	AFO	3,500	1-20-14
Mid River Marine Service and Storage (North Liberty)	WS	5,720	9-30-13
Lonnie Bryant; Sierra Bryant; Bryant's MHP (Keokuk)	WW	100	5-01-14
Stephan A. Palen (Wapello Co.)	AQ	1,352	7-01-13
Millard Elston III; The Earthman (Jefferson Co.)	AQ/SW	2,000	2-15-13
Simon Simonson (Kossuth Co.)	SW	4,900	6-30-14
TOTAL		47,942	

The following administrative penalties have been appealed:

Dallas County Care Facility (Adel)	WW	5,000
Guy Thomas (Council Bluffs)	UT	10,000
Harlan Rudd; Karen Rudd; Rudd Bros. Tires (Drakesville)	UT	10,000
Bondurant, City of	WW	10,000
Higman Sand and Gravel, Inc. (Plymouth Co.)	FP	10,000
Helen and Virgil Homer; Grandmas Snack Shop; (Aredale)	WS	8,461
Manson, City of	WS	10,000
Wendall Abkes (Parkersburg)	SW	7,000
Pet Memories, Inc. (Cedar Co.)	SW	10,000
Anderson Excavating Company, Inc. (Pottawattamie Co.)	SW	10,000
David Hansen; Debra Imhoff (Wilton)	FP	6,000
TOTAL		96,461

The following administrative penalties have been collected:

Simon Simonson (Kossuth Co.)	SW	100
# Darwin Rieck (Benton Co.)	AFO	4,750
Marvin G. Moeller (Henry Co.)	AQ/SW	5,000
Martin Moeller (Henry Co.)	AQ/SW	5,000
Stephan A. Palen (Wapello Co.)	AQ	104
Stephan A. Palen (Wapello Co.)	AQ	104
Stephan A. Palen (Wapello Co.)	AQ	104
Ellsworth Excavating Co. (Muscatine Co.)	AQ/SW	75
# John Fluit Jr. (Lyon Co.)	AFO	9,000
Storm Lake, City of	WS	2,000
Patrick Baker; Stockton Auto (Davenport)	AQ/SW	83
# Doug Schmitz; Dan Schmitz (Osceola Co.)	AFO	2,500
# Brad Harms (O'Brien Co.)	AFO	1,500
Lonnie Bryant; Sierra Bryant; Bryant's MHP (Keokuk)	WW	100
Daryl & Karen Hollingsworth d/b/a Medora Store (Indianola)	UT	50
Albert Miller (Kalona)	AQ/SW	5
Finney Industrial Painting, Inc. (Fairfield)	AQ/WW	250
TOTAL		30,725

#Animal Feeding Operation

BOLD Entries Have Been Referred to DRF